

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ELIZABETH ANN KYKER,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CIVIL ACTION NO. 1:17-CV-00690

(CONNER, C.J.)
(MEHALCHICK, M.J.)

REPORT AND RECOMMENDATION

This civil action was commenced upon the filing of a *pro se* complaint in this matter by Plaintiff Elizabeth Ann Kyker on April 18, 2017. ([Doc. 1](#)). Along with her complaint, Plaintiff filed a motion to proceed *in forma pauperis*. ([Doc. 2](#)). In an Order dated April 24, 2017 ([Doc. 6](#)), the Court denied Plaintiff's motion to proceed *in forma pauperis* on the basis that Plaintiff submitted an incomplete application (AO 240 form) for *in forma pauperis* status, and as such, the Court was unable to determine her eligibility to proceed without prepayment of filing fees. The Court directed Plaintiff to either submit the properly completed form, or pay the requisite filing fee, within thirty days of the date of that Order. To date, Plaintiff has neither submitted a complete form, nor paid the filing fee.

Accordingly, on this 30th day of May, 2017, upon Plaintiff's submit the properly completed form, or pay the requisite filing fee, **IT IS HEREBY** recommended that:

1. The District Court enter an Order **DISMISSING** the case without prejudice;
2. The Clerk of Court be directed to **CLOSE** the case.

BY THE COURT:

Dated: May 30, 2017

s/ Karoline Mehalchick

**KAROLINE MEHALCHICK
United States Magistrate Judge**

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NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing **Report and Recommendation** dated **May 30, 2017**.

Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Dated: May 30, 2017

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge